



FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

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September 6, 2007
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1639

HUANG ET AL.

Examiner: LIU, SUE XU

APPLICATION NO: 10/501,035

FILED: MAY 02, 2005

FOR: IDENTIFICATION OF POLYNUCLEOTIDES AND POLYPEPTIDI

FOR PREDICTING ACTIVITY OF COMPOUNDS THAT

INTERACT WITH PROTEIN TYROSINE KINASES AND/OR

PROTEIN TYROSINE KINASE PATHWAYS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT
WITHOUT TRAVERSE**

Sir:

In reply to the Office Action dated July 6, 2007, requesting an election of one invention to prosecute in the above-referenced patent application, Applicants hereby provisionally elect, without traverse, to prosecute the invention drawn to a method of identifying colon cancer cells that are either resistant or sensitive to a protein tyrosine kinase inhibitor. This election is made without prejudice to or disclaimer of the other claims or inventions disclosed.

Applicants point out that the elected invention falls outside of the Examiners restricted groups, Groups 1 to 9, outlined in the July 6, 2007 Restriction Requirement. Applicants believe the present election is proper and constitutes a responsive reply since the prior claims have been cancelled and the instant restriction requirement has been rendered moot.


Furthermore, Applicants believe the elected invention, embraced by new Claims 41 to 42, entered via the Preliminary Amendment submitted herewith, is directed to a single invention.

A one-month extension is hereby requested pursuant to 37 CFR §1.136(a). Please charge Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company in the amount of \$120 for payment of the extension fee.

If any fee is due in connection herewith, please charge such fee to Deposit Account No. 19-3880 of the undersigned. Furthermore, if any extension of time not already accounted for is required, such extension is hereby petitioned for, and it is requested that any fee due for said extension be charged to the above-stated Deposit Account.

Respectfully submitted,

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000
(609) 252-5289
Date: September 6, 2007



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